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potential Rule 23 Class*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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LIYOU XING,
*on his own behalf and on behalf of others similarly
situated,*

Plaintiffs,
v.

Case No. 18-cv-06616

MAYFLOWER INTERNATIONAL HOTEL GROUP
INC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER BUSINESS GROUP, LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER INN CORPORATION

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER WENYU LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YAN ZHI HOTEL MANAGEMENT INC.

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER 1-1 LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YUEHUA HU,

WEI HONG HU a/k/a Weihong Hu, and

XIAOZHUANG GE

Defendants.

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29 U.S.C. § 216(b)
COLLECTIVE ACTION &
FED. R. CIV. P. 23 CLASS
ACTION

**AFFIDAVIT OF LOI WING
KIT IN SUPPORT OF
PLAINTIFF'S MOTION FOR
CONDITIONAL
COLLECTIVE
CERTIFICATION**

I, LOI WING KIT, being duly sworn and under penalty of perjury, deposes and states as follows:

1. I am a resident of Queens, New York, and I am over 18 years of age.

2. I have personal knowledge of the matters stated below.
3. From on or about August 01, 2014 to June 30, 2015, I was employed by the Defendants to work as a Construction worker at Howard Johnson Hotel located at 38-59 12th Street, Long Island City, NY 11101.
4. My regular work schedule during this period ran 09:00 to 18:00 with one (1) hour meal break from 12:00 to 13:00 for eight (8) hours a day, six (6) days a week with Sunday off for a total of 48 hours each week.
5. From on or about July 03, 2015 to August 15, 2017, I was employed by the Defendants to work as a Construction Worker and Mechanic at the Mayflower Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365.
6. From on or about July 03, 2015 to March 01, 2017, my regular work schedule ran from 07:00 to 16:00 with one (1) hour meal break from 12:00 to 13:00 for eight (8) hours a day, six (6) days a week with Sunday off. In addition to my regular schedule, I was required to work for four (4) additional hours a week for a total of 52 hours each week.
7. During this period I was not paid overtime pay for all the additional hours worked.
8. From on or about March 02, 2017 to July 23, 2017, my regular work schedule ran from 09:00 to 18:00 with one (1) hour meal break from 12:00 to 13:00 for eight (8) hours a day, for five (5) days a week with Wednesday and Friday off. In addition to my regular working schedule I was made to work for one additional hour per week which totalled to about 41 hours each week.
9. During this period I was not paid for all the hours worked above 40 hours per week.
10. At all relevant times, irrespective of the hours I worked, I was paid a flat

compensation at a rate of one hundred and sixty dollars (\$160.00) per day.

11. In addition to violation of non-payment for all hours worked, and overtime compensation, Defendants missed my payments to about three thousand and seven hundred dollars (\$3,700.00).
12. At all relevant times, I was not paid overtime pay for overtime work.
13. At all relevant times, I was never informed of my hourly pay rate.
14. Throughout my employment, I was not given a statement with my weekly payment reflecting employee's name, employer's name, employer's address and telephone number, employee's rate or rates of pay, any deductions made from employee's wages, any allowances claimed as part of the minimum wage, and the employee's gross and net wages for each pay day in Chinese, my native language.
15. Throughout my employment, I was not compensated at least at one-and-one-half his promised hourly wage for all hours worked above forty (40) in each workweek.
16. Throughout my employment, I was not compensated for an additional hour for New York's "spread of hours" premium for shifts that lasted longer than ten (10) hours in any given day.
17. I know that it is Defendants' policy to not pay any employee at time and a half rate for all of their overtime hours. I know this because I have talked with other employees, who has the same or similar working schedule as me, and was told that they were also not paid for the total amount of time they have worked, nor compensated for all of their overtime hours worked.
18. During my employment I befriended some of the co-workers who worked for Defendants and suffered same practice and policy.
19. I know a co-worker whom we referred as "Da Han". He worked as a construction worker at Howard Johnson Hotel located at 38-59 12th Street, Long Island City, NY 11101.

20. "Da Han" is about fifty years old and around 1.7 meters' in height. He is from Fuzhou, Fujian Province, China.
21. "Da Han" started working for the Defendants from on and about 2013 and was terminated by the Defendants between the period August or September of 2014.
22. Da Han's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 8 hours a day from Monday to Saturday for 6 days a week. And from 7:30 to 11:30 for 4 hours a day on Sunday for 1 day a week. Throughout his employment with the Defendants, he worked around 52 hours a week.
23. I know Da Han's schedule due to similar working schedules.
24. I know another co-worker named Tianjing Lin, who worked as construction worker at both Howard Johnson Hotel located at 38-59 12th Street, Long Island City, NY 11101 and Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365.
25. Tianjing Lin is from Fujian Province, China. He is about fifty years old and around 1.7 meters' height.
26. Tianjing Lin started working for the Defendants from on and about 2013 and was terminated by Defendants between the period of November or December of 2015.
27. During his employment, Tianjing Lin's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6 days a week. Throughout his employment with the Defendants he worked around 48 hours a week.
28. I know Tianjing Lin was paid at a flat rate of \$140 per day.
29. I know Tianjing Lin's schedule because we worked together every day during his employment.
30. I am aware about his pay rate due to our conversations that took place while having lunch break around November 2014.
31. I know another co-worker named Chenjie Li who worked as mechanic at the Howard Johnson Hotel located at 38-59 12th Street, Long Island City, NY 11101 and the Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365.
32. Chenjie Li is from Fujian Province, China. He is about fifty- years old and around 1.78 meters' tall.

33. Chenjie Li started working for the Defendants from on or about 2013 and was terminated by Defendants in the same time period as Tianjing Lin between November or December of 2015.
34. Chenjie Li's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6 days a week. Throughout his employment with the Defendants he worked around 48 hours a week.
35. I am aware about Chenjie Li's schedule because both of us had similar working schedules during his employment.
36. I know Chenjie Li was paid at the rate of \$150 per day. I am aware about his pay rate due to our conversations during lunch time in or around November 2014. I know another co-worker named Guihai Liang, who worked as mechanic at the Howard Johnson Hotel located at 38-59 12th Street, Long Island City, NY 11101 and the Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365.
37. Guihai Liang is about fifty years old and around 1.70 meters in height. He told me he is originally from Shenyang Province, China.
38. Guihai Liang started working for the Defendants from on and about 2015 and terminated by Defendants between the period November or December of 2018.
39. Guihai Liang's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6 days a week. In addition to his regular working schedule, he was also required to work two additional hours per day.
40. At all relevant times Guihai Chen worked for about 60 hours per week.
41. I am aware about Guihai Liang's schedule due to our similar working schedules during his employment with the Defendants.
42. I know Guihai Liang was paid at the rate of around \$180 per day.
43. I am aware about his pay rates because during the year 2016 I was assigned to install pipes along with another co-worker named Yong Luo at the Wyndham Garden Hotel in end of 2016. During that assignment, Yong Luo told me that when he picked up his checks with Guihui Liang he saw how much Guihui Liang was paid.

44. I know another co-worker who worked as a mechanic at the Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365 named Yong Luo.
45. Yong Luo is from Shenyang Province, China. He is about fifty years old and around 1.80 meters in height.
46. Yong Luo started working for the Defendants from on and about 2015 and terminated by Defendants on or about January 2017.
47. During his employment, Yong Luo's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6 days a week. Throughout his employment with the Defendants he worked for around 48 hours a week.
48. I know Yong Luo's schedule because we worked together every day during our employment with the Defendants'.
49. I know Yong Luo was paid at the rate of around \$160 per day. I am aware about his payments because during August or September 2016, we discussed how much we were paid by the Defendants.
50. I know another co-worker named Li Chen who worked as a mechanic at the Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365..
51. Li Chen is from Shenyang Province, China. He is around fifty-two or fifty-three years old and is about 1.68 meters' height.
52. Li Chen started working for the Defendants from on or about December 2015 and terminated by Defendants on or about January 2017.
53. Li Chen's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6 days a week. Besides his regular work he was also required to work overtime for two additional hours per day.
54. At all relevant times Li Chen worked for about 60 hours per week.
55. I know Li Chen's schedule because we had similar working schedule during our employment with the Defendants.
56. I know Li Chen was paid at the rate of around \$180 per day.
57. I know this because during June 2016, when we went to pick up our payments I saw how much Li Chen was paid.

58. I know another co-worker named Mingchao Cai, who worked as a construction worker at the Wyndham Garden Hotel located at 61-27 186th Street, Fresh Meadows, NY 11365.
59. Mingchao Cai is fifty-two years old and around 1.72 meters in height. He told me he is from Guangdong Province, China.
60. Mingchao Cai started working for the Defendants from on and about September 2015 and terminated by Defendants around February, 2016.
61. During his employment, Mingchao Cai's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6 days a week. Throughout his employment with the Defendants he worked around 48 hours a week.
62. I know Mingchao Cai's schedule because we worked together every day during his employment.
63. I know Mingchao Cai was paid at the rate of around \$120 per day. I am aware about his daily rate because I referred Mingchao Cai to Defendants and the Boss Xiaozhuang Ge's cousin told me about his rate.
64. I sincerely believe that there are other employees who are also paid less and are not paid for all the hours they worked for the Defendants.
65. I sincerely hope that this Court allows me to represent the interest of my co-workers in this action. These Defendants exploited me and my co-workers, and it is my hope that we will be permitted to recover wages that we are owed.
66. This has been translated into my native language of Chinese and I understand the contents.

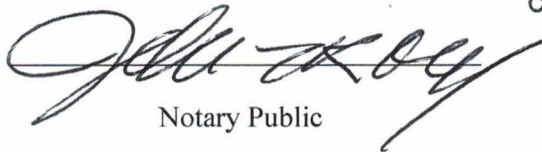
Dated: 05/15/2019

Flushing, NY

Wing Kit Loi
Loi, Wing Kit

Sworn to me this 15th day of May, 2019

JOHN TROY
Notary Public, State of New York
No. 02TR6121824
Qualified in Queens County
Commission Expires 04/12/2021


Notary Public